



APPLICATION ACCEPTED: March 7, 2014
BOARD OF ZONING APPEALS: June 4, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

May 28, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-SU-014

SULLY DISTRICT

APPLICANT: Esmat Hassan Radwan

OWNERS: Nader Abedinzadeh
Naeimeh Tabarani

SUBDIVISION: Clarkes Landing

STREET ADDRESS: 2739 Clarkes Landing Drive, Oakton 22124

TAX MAP REFERENCE: 36-4 ((13)) 58

LOT SIZE: 20,166 square feet

ZONING DISTRICT: R-1

ZONING ORDINANCE PROVISIONS: 8-305

SPECIAL PERMIT PROPOSAL: To permit a home child care facility.

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-SU-014 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

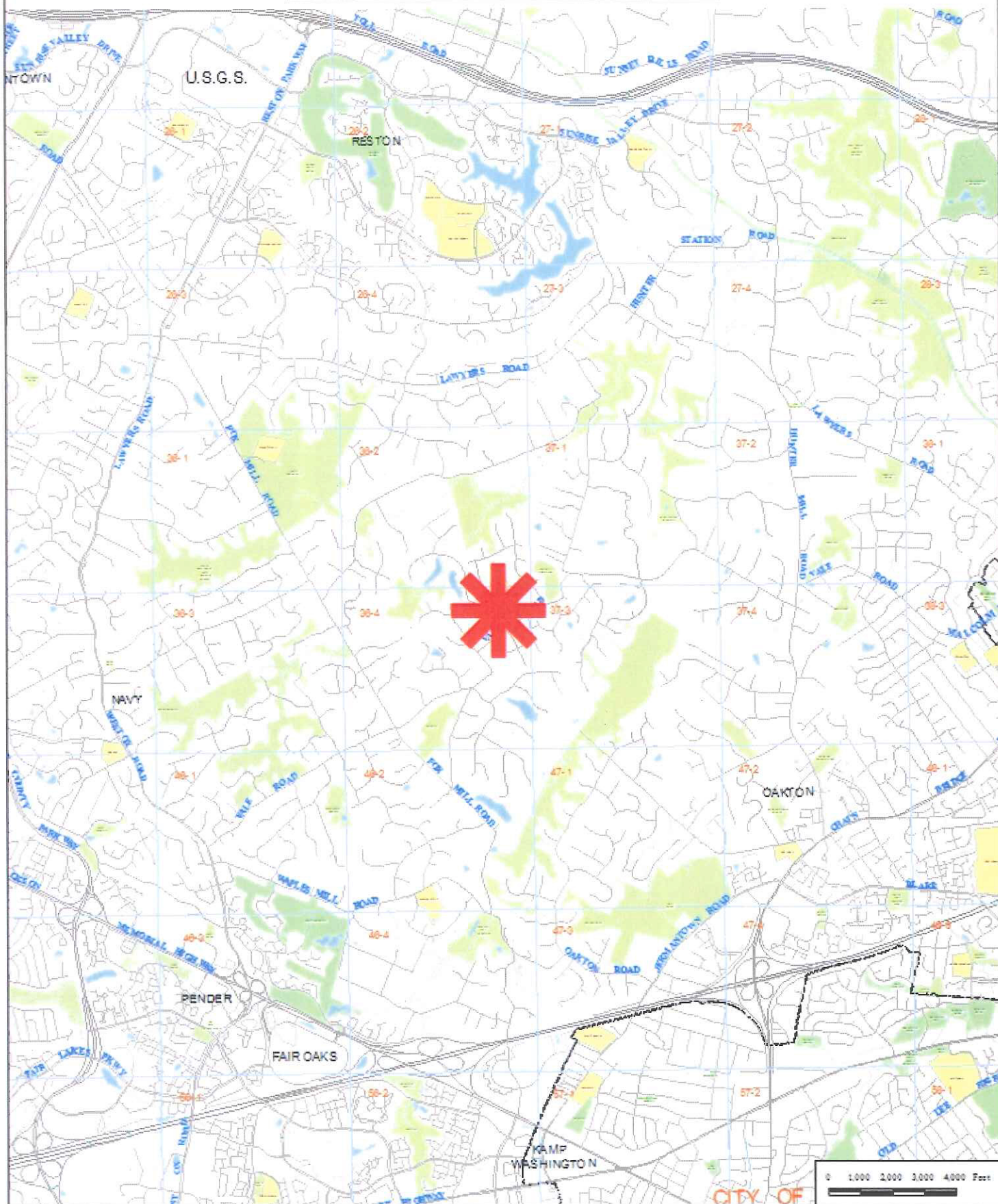
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2014-SU-014
ESMAT HASSAN RADWAN

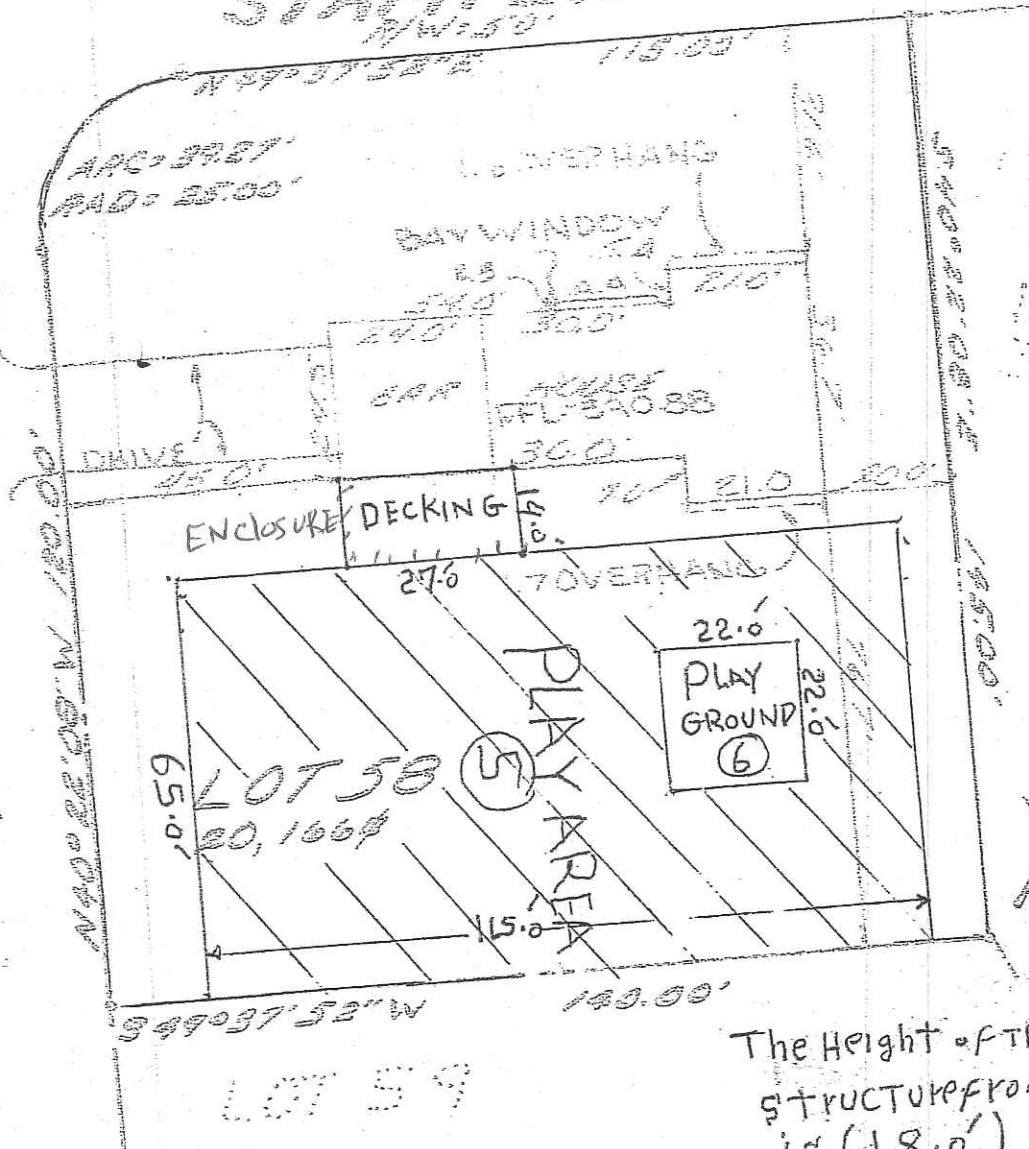


ESMAT HASSAN RADWAN



CLARKE'S LANDING DR
R/W=60'

STAMPER COURT



The Height of the House
structure from the ground
is (18.0')

The Height of the
Play Ground from
the ground is (10.7')

The Height of the
Decking from the
Ground is (1.0')

The Height for Enclosure
around Deck is (6.5')

HOUSE LOCATION SURVEY
LOT 58
CLARKE'S LANDING

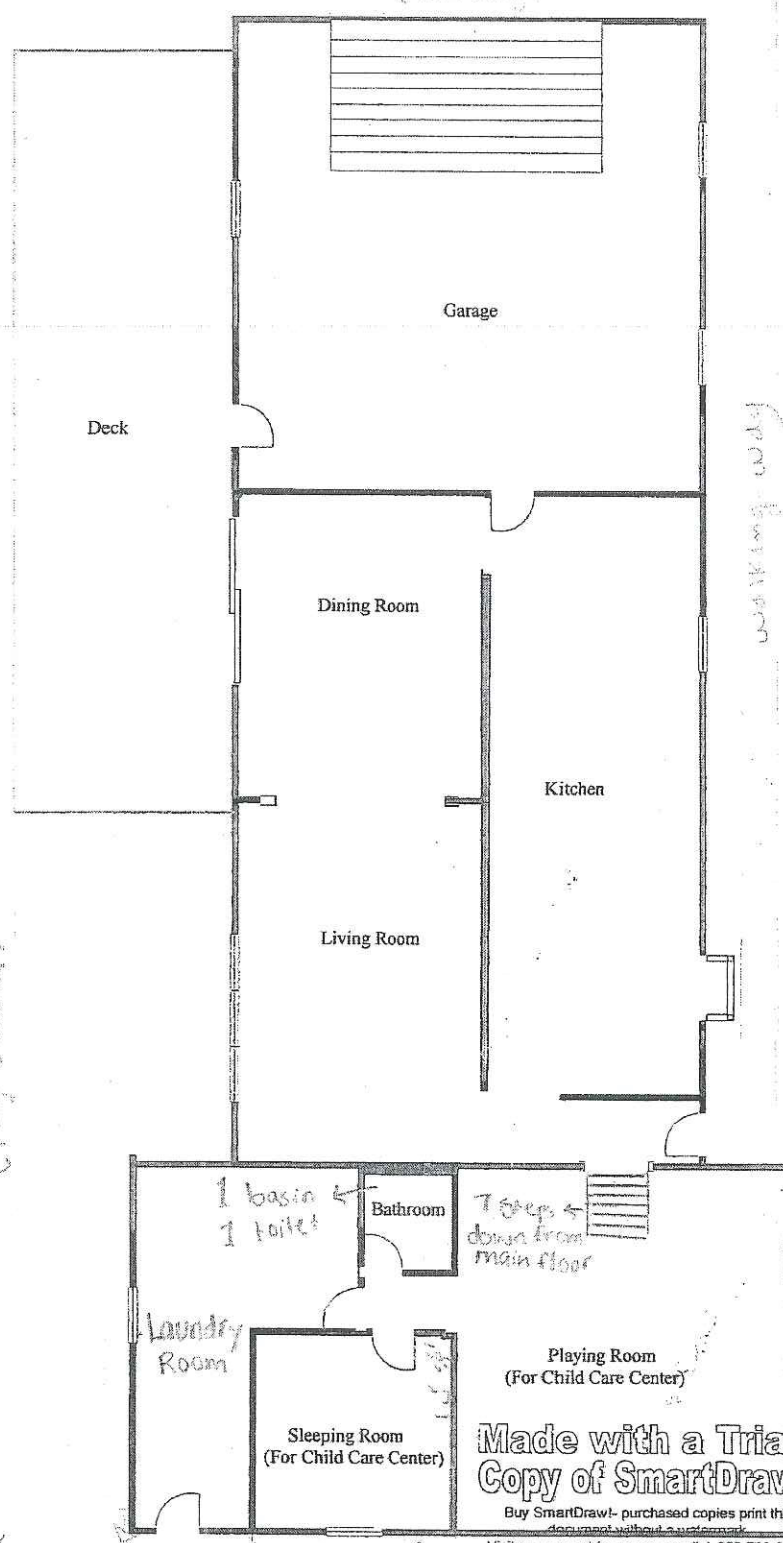
CENTREVILLE DISTRICT
FAIRFAX COUNTY VIRGINIA
SCALE 1"=140'
ORLO G. PACIULLI & ASSOCIATES
VIENNA VIRGINIA
DRAWN BY: [Signature] CHECKED BY: [Signature]

CERTIFIED
CORRECT
7/5/2014

← Parking →

10' x 10' 6"

Private
(Parking)



← Parking →
Front Yard
Stamper Court

Back Yard
(Play Ground)

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50'

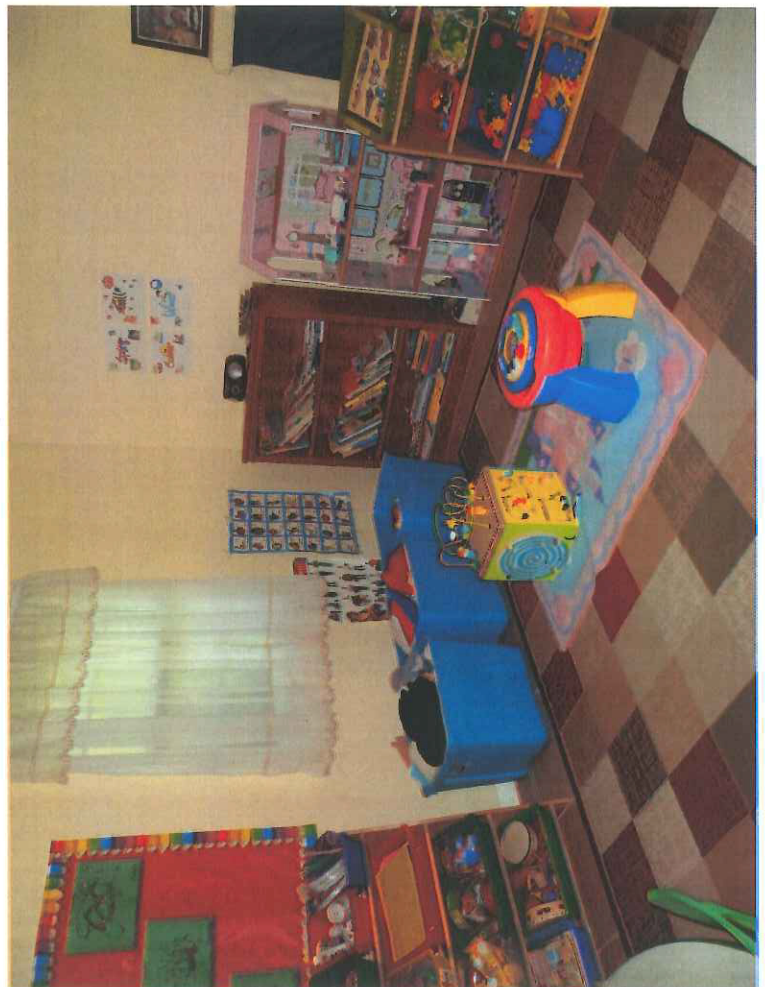
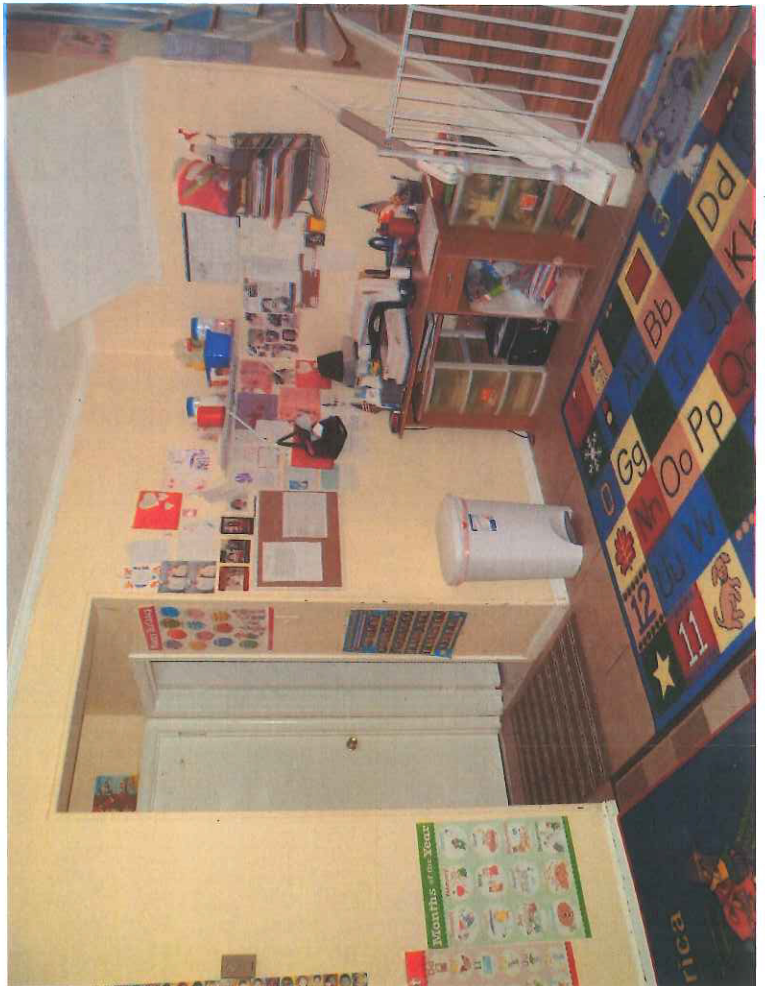
RECEIVED
Department of Planning & Zoning

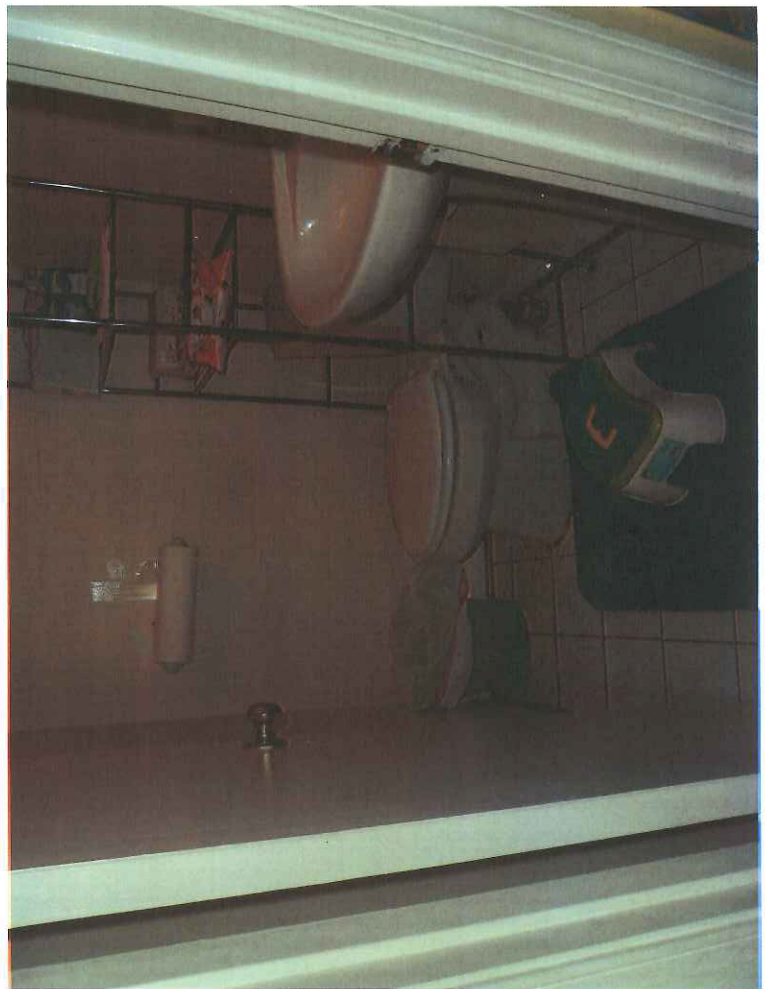
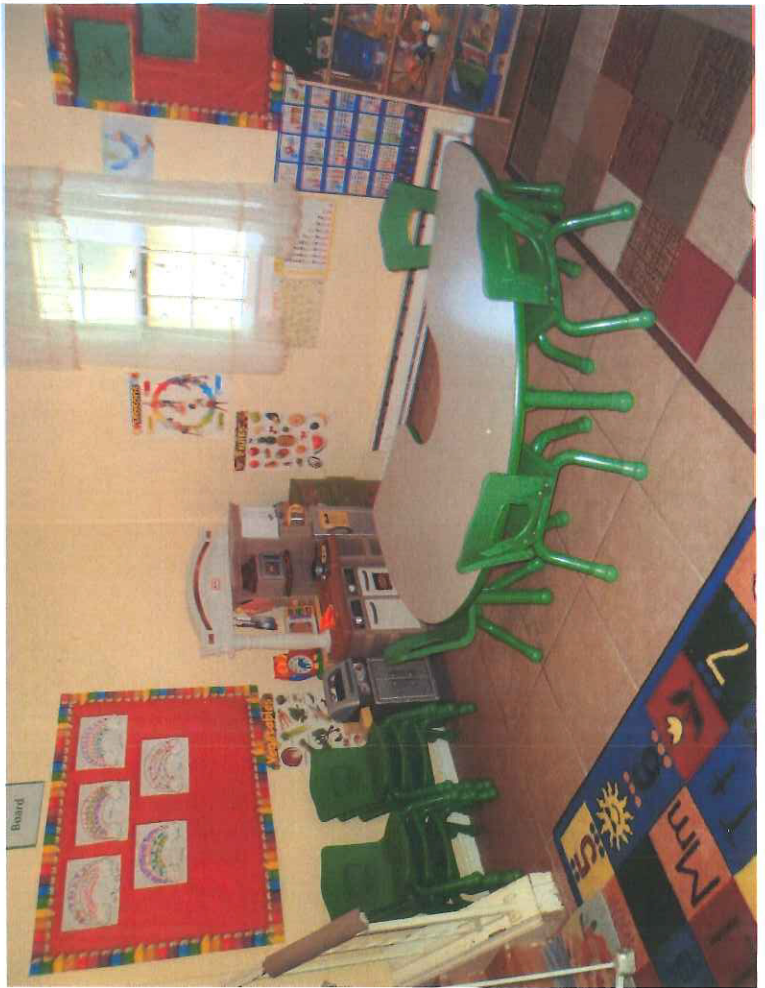
JUL 29 2013

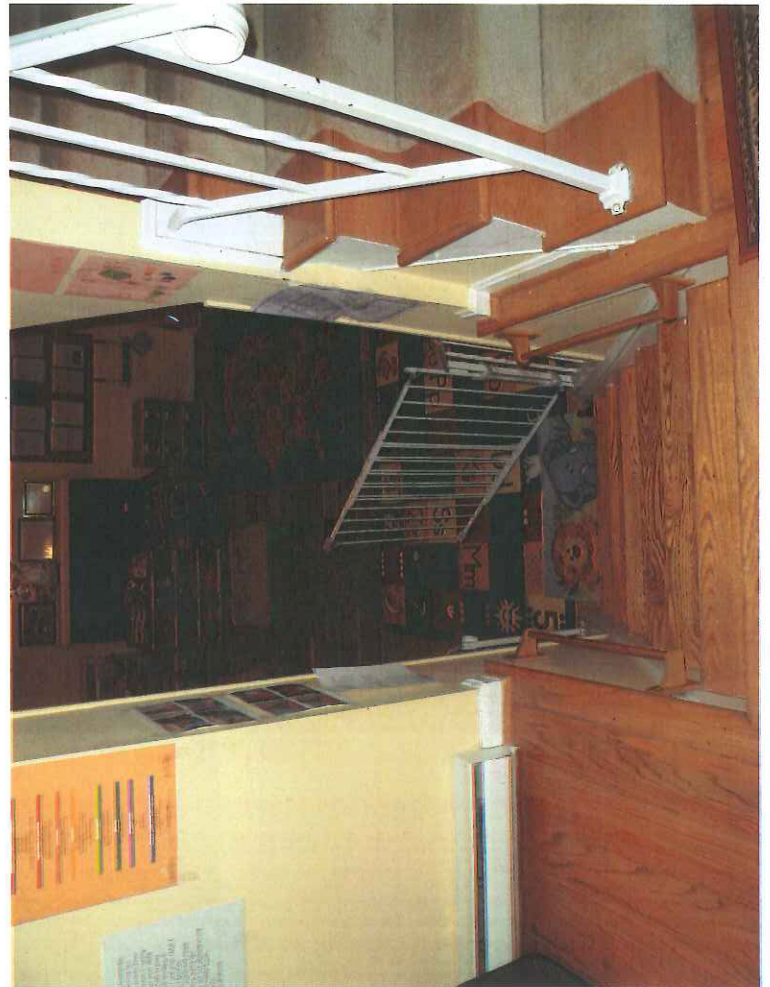
Zoning Evaluation Division

General K...
...

























SPECIAL PERMIT REQUEST

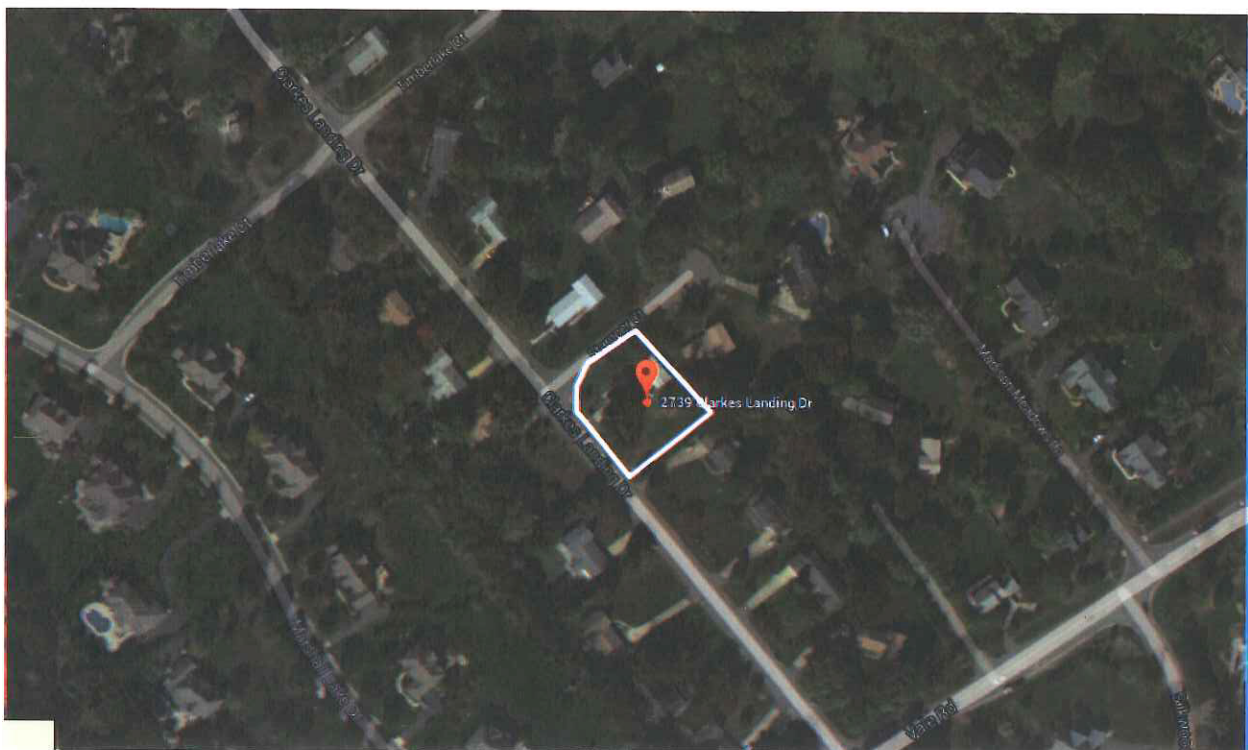
The applicant is seeking a special permit to allow a home child care facility for 12 children at any one time within an existing dwelling.

A copy of the special permit plat titled "House Location Survey, Lot 58, Section 1, Clarke's Landing" prepared by Orlo C. Paciulli & Associates, dated December 18, 1973, as revised through February 5, 2014, by Esmat Hassan Radwan is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a split-level brick single family detached dwelling. A concrete driveway provides access from Clarkes Landing Drive to an attached two car garage. A concrete walkway leads from the driveway to the front stoop, which is located on the side of the structure facing Stamper Court. A wooden deck is attached to the southeast side of the dwelling. Wood lattice work 6.5 feet in height encloses the area of the deck where a hot tub is located. The deck and hot tub were installed with an approved building permit. An unfenced outdoor play area is located in the southeastern side yard and contains a play structure approximately 10.6 feet in height and 484 square feet in size. The lot has a large grassed yard with mature trees and landscaping with level topography.



The subject property and surrounding properties are zoned R-1 and are developed with single family detached dwellings.

BACKGROUND

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1974 and purchased by the owners in August of 2000. The applicant has lived in the dwelling and operated her home child care since 2006. The property owners have provided a written statement acknowledging the existence of the home child care facility and granting permission for it to continue.

The applicant has a current state license for a Family Day Home which expires March 16, 2015. Her license permits up to 12 children, aged one month through 12 years 11 months.

Since the adoption of the Zoning Ordinance, no applications for home child care permits have been heard by the Board of Zoning Appeals on nearby properties.

DESCRIPTION OF THE PROPOSED USE

The applicant is requesting approval of a special permit for a home child care facility for up to 12 children on site at any one time to operate between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. Her state license permits her to operate from 6:30 a.m. to 6:30 p.m., which staff has included as her operating hours in the proposed development conditions. The children generally arrive between 7:00 a.m. and 9:30 a.m. and depart between 4:00 p.m. and 6:00 p.m. Employees include the applicant and one full time assistant. The applicant parks in the existing garage while the assistant parks on the street.

The dwelling is located on Clarks Landing Drive, and contains sufficient frontage to support on-street parking for the subject property and room for approximately four vehicles in the driveway. Most of the frontage is along the side of the property adjacent to Stamper Court. According to the applicant, the parents utilize both the driveway and the on-street parking to pick-up and drop-off the children.

The home child care facility is operated on the lower level of the home. This area contains a main "Playing Room", a "Sleeping Room", and bathroom, as identified on the floor plan provided by the applicant.

ANALYSIS

Comprehensive Plan Provisions

Plan Area:	Area III, Upper Potomac Planning District
Planning Sector:	Lee-Jackson Community Planning Sector (UP08)
Plan Map:	1 dwelling unit per acre

Zoning Ordinance Requirements

- Sect. 8-006 General Special Permit Standards
- Sect. 8-303 All Group 3 Uses
- Sect. 8-305 Additional Standards for Home Child Care Facilities

This special permit is subject to the sections of the Zoning Ordinance outlined above, a copy of which is included as Appendix 4. Subject to development conditions, this special permit must meet these standards.

Safety Analysis

The areas used for the child care facility all have proper emergency egress. During a site visit, staff noticed that the sleeping room had a changing table placed in front of the window that would be used as emergency egress. The applicant has agreed to move the table and staff has included a development condition to address this issue.

At the time of the site visit staff also observed that the staircase leading down to the "Playing Room" in the home child care facility had a hand rail at the height for a child, but no guardrail otherwise providing a barrier. The applicant has since installed a guardrail, but at this time staff has yet to conduct an inspection of the railing. A development condition has been proposed to require this inspection. Therefore, staff finds that the application meets safety requirements for a home child care facility.

CONCLUSION

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2014-SU-014 for the home child care facility with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-SU-014****May 28, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-SU-014 located at Tax Map 36-4 ((13)) 58 to permit a home child care facility pursuant to Section 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant only, Esmat Hassan Radwan, and is not transferable without further action of the Board, and is for the location indicated on the application, 2739 Clarkes Landing Drive, and is not transferable to other land.
2. This special permit is granted only for the home child care facility use indicated on the special permit plat prepared by Orlo C. Paciulli & Associates, dated December 18, 1973, as revised through February 5, 2014, by Esmat Hassan Radwan, applicant, and approved with this application, as qualified by these development conditions..
3. A copy of this special permit **SHALL BE POSTED in a conspicuous place on the property of the use** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 6:30 a.m. to 6:30 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. The maximum number of children on site at any one time shall be 12, excluding the applicant's own children.
7. There shall be no signage associated with the home child care facility.
8. The applicant shall maintain a safe, continuous, and unobstructed path of travel, with adequate aisle widths as determined by the zoning inspection staff, from all points in the home child care facility to points of emergency egress.
9. A staircase guardrail, which meets safety requirements of the Virginia Residential Building Code, shall be installed for the staircase leading from the main floor to the "Playing Room" as labeled on the floor plan in Attachment 1.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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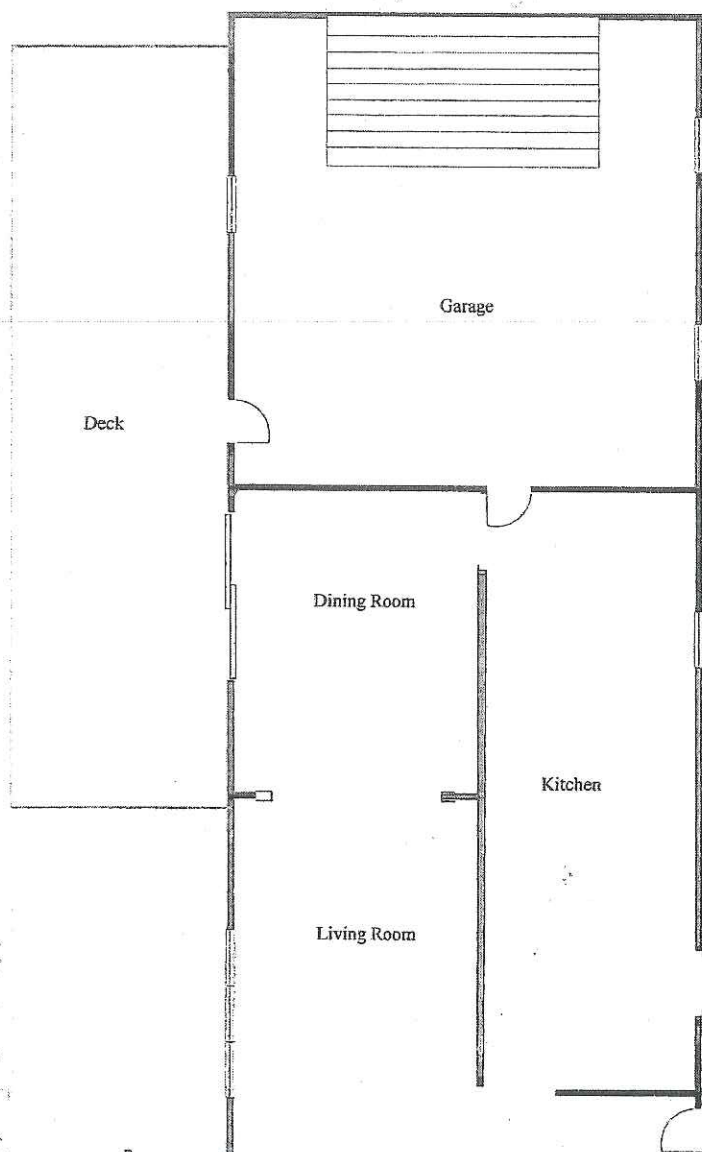
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

← Parking →

Chapel Lane Rd

Private
(Parking)

Parking

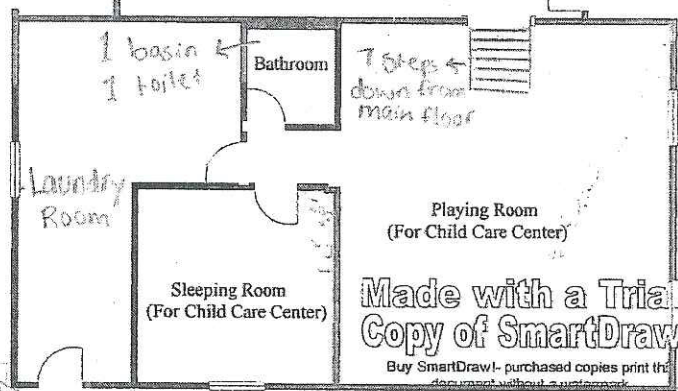


wooding w/dry

Front Yard

Stamper Court

Back Yard
(Play Ground)



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Visit www.smartdraw.com or call 1-800-788-3729.

50'

RECEIVED
Department of Planning & Zoning

JUL 29 2013

Zoning Evaluation Division

116'

108'

17'10"

General K... ..

Application No.(s):

SP 2014-SU-014

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

122830

DATE:

9/30/2013

(enter date affidavit is notarized)

I, ESMAT HASSAN RADWAN, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one)



applicant



applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
ESMAT HASSAN RADWAN	2739 Clarkes Landing Drive, Oakton, VA 22124	Applicant / Lessee
GAMAL KEBASH	2739 Clarkes Landing Drive, Oakton, VA 22124	Lessee
NADER ABENDINZADEH	20701 ASHBURN VALLEY, ASHBURN, VA 20147	Title Owner
NAEIMEH TABARANI	20701 ASHBURN VALLEY, ASHBURN, VA 20147	Title Owner

(check if applicable)



There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).



9/30/13

Application No.(s):

SP-2014-SU-014

(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

122830

DATE: 9/30/2013
(enter date affidavit is notarized)

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

None

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

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9/30/13

Application No.(s):

SP 2014-SU-014

(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

9/30/2013

(enter date affidavit is notarized)

122830

- 1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

None

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

erm
9/30/13

Application No.(s):

SP 2014-SU-014
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/30/2013
(enter date affidavit is notarized)

122830

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.



9/30/13

Application No.(s):

SP 2014 SU-014
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/30/2013
(enter date affidavit is notarized)

122830

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

☐ Applicant's Authorized Agent

Esmat Hassan Radwan
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 30 day of September 2013, in the State/County of Virginia, County/City of Fairfax/Chant.

My commission expires: 4/30/2017

Notary Public



Shana Parkes

AGENT AUTHORIZATION STATEMENT

To Whom It May Concern:

I/We, Nader Abendinzadeh and Naeimeh Tabarani, the undersigned title owner(s) of the property identified below, do hereby authorize Esmat Hassan Radwan and Gamal Kebaish, as Lessees, to file an application for a special permit in order to operate a home child care facility on my/our property located at: 2739 Clarkes Landing Drive, Oakton, VA 22124.

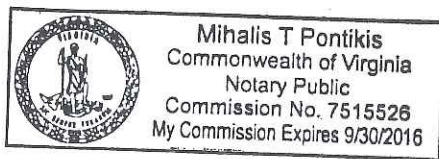
Thank you in advance for your cooperation.

Date: 9/12/2013

By: [Signature]
Nader Abendinzadeh

COMMONWEALTH/STATE OF: Virginia
CITY/COUNTY OF: Lexington, TO WIT:

The foregoing instrument was acknowledged before me this 12 day of September, 2013, by Nader Abendinzadeh.



[Signature]
Notary Public (Signature)
Notary Registration No. 7515526
My Commission Expires: 09/30/2016

AFFIX NOTARY SEAL/STAMP

ALL TITLE OWNERS MUST SIGN IN PRESENCE OF NOTARY. IF THERE IS MORE THAN ONE OWNER, SIGNATURES MAY CONTINUE ON NEXT PAGE.

Agent Authorization Statement

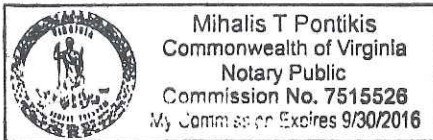
Page 2 of 2

Date: 9/12/13

By: 
Naeimeh Tabarani

COMMONWEALTH/STATE OF: Virginia
CITY/COUNTY OF: London, TO WIT:

The foregoing instrument was acknowledged before me this 12 day of September,
2013, by Naeimeh Tabarani.




Notary Public (Signature)
Notary Registration No. 7515526
My Commission Expires: 09/30/16

AFFIX NOTARY SEAL/STAMP

Friday, July 12, 2013

To whom this may concern,

My name is Nader Abedinzadeh. I am the owner of the property at 2739 Clarkes Landing Drive, Oakton, VA 22124. This is a written statement of my acknowledgement of the existence of a Child Home Care at my property. I have given the current renters, Esmat Radwan and Gamal Kebaish, the permission to operate the Child Home Care since 2006, and I have no problem with them continuing to operate the Child Home Care.

Sincerely,

 7/15/13

Nader Abedinzadeh

OCT 01 2013

Zoning Evaluation Division

To Whom This May Concern,

This is a Special Permit Statement of Justification

The facility is operating as a Child Home Care.

The facility operates from 6:30 am to 6:00 pm on Monday – Friday.

The estimated number of children is 12 children, and 12 is the maximum number present at any one time.

The facility has 2 teachers at all times. The applicant, Esmat Radwan, is one of the two teachers. The other teacher is hired by the applicant.

From past experience, there have never been more than 2 parents in the drive way picking up or dropping off children. Approximate drop off times: 2 parents drop off at 7 am, 2 parents drop off at 7:30 am, 2 parents drop off at 8 am, 2 parents drop off at 8:15 am, 2 parents drop off at 9 am, and 2 parents drop off at 9:30 am. Approximate pick up times: 2 parents pick up at 4 pm, 2 parents pick up at 4:30 pm, 2 parents pick up at 4:45 pm, 2 parents pick up at 5 pm, 2 parents pick up at 5:30 pm, and 2 parents pick up at 6 pm. Most parents live within the neighborhood.

Currently, all the parents are from the Oakton, VA area, and there have been parents from Vienna, VA.

A detailed floor plan describing the uses of all the areas of the house for the Home Child Care is attached. The total area used for the home care is 524.892 sq ft. This total area includes the Main Room (349.236 sq ft.), Sleeping Room (125.33 sq ft.), Bathroom (31.25 sq ft.), and Hall (19.076 sq ft.).

The Home Care conforms to all the General Standards in Section 8-006 of the Zoning Ordinance. There are no hazardous or toxic substances in the home care, and there is absolutely no use for them in the facility.

The Home Care conforms to all the Special Standards for Home Child Care Facilities in Section 8-305 of the Zoning Ordinance. The proposed development conforms to the provisions of all applicable ordinances, regulations, and adopted standards.

The Home Child Care has been open since 2006, and operating under all the set guidelines by Fairfax County, and by the State of Virginia (when the State License was received in 2010). The Home Child Care has been serving the Oakton, VA area, and has never received any complaints in terms of traffic, or anything pertaining to the Home Care. There is a copy of the State License attached.

Sincerely,

Esmat Radwan



9130113

JUL 29 2013

Zoning Evaluation Division

To Whom This May Concern,

This is a Special Permit Statement of Justification

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The estimated number of children is 12 children, and 12 is the maximum number present at any one time.

The facility has 2 teachers at all times.

From past experience, there have never been more than 2 parents in the drive way picking up or dropping off children.

Currently, all the parents are from the Oakton, VA area, and there have been parents from Vienna, VA.

A detailed floor plan describing the uses of all the areas of the house for the Home Child Care is attached.

The Home Care conforms to all the General Standards in Section 8-006 of the Zoning Ordinance.

The Home Care conforms to all the Special Standards for Home Child Care Facilities in Section 8-305 of the Zoning Ordinance.

The Home Child Care has been open since 2006, and operating under all the set guidelines by Fairfax County, and by the State of Virginia (when the State License was received in 2010). The Home Child Care has been serving the Oakton, VA area, and has never received any complaints in terms of traffic, or anything pertaining to the Home Care. There is a copy of the State License attached.

Sincerely,

Esmat Radwan



7112113

2739 CLARKES LANDING DR OAKTON, VA 22124

DRAWING SCALE=1:153.5

TOTAL PROPERTY AREA: 167 ft*155ft=25885sq.ft

TOTAL AREA USED FOR THE HOME CHILD CARE on the property IS: 7999.89 sq. ft

THIS TOTAL AREA INCLUDES: SQUARE FOOTAGE OF OUTDOOR PLAY AREA (7475 sq. ft) + SQUARE FOOTAGE INDOOR (524.89 sq. ft)

THE SQUARE FOOTAGE INDOOR INCLUDES: 1- MAIN ROOM: 349.236 sq. ft

2- SLEEPING ROOM: 125.33 sq. ft

3- BATHROOM: 31.25 sq. ft

4- HALL: 19.076 sq. ft

THE HEIGHT OF THE AREA USED FOR THE HOME CHID CARE: The height of the floor from the finished ground at the side of neighbor 11225 is: **6 inches**, the height of the roof from the floor is: **8ft.**

THE MAIN ENTRANCE FROM THE SIDE OF THE FRONT YARD: The height of the main entrance from the finished ground is: **1.5ft.** The height of the main entrance from the floor of the area used for the home child care is: **4.5ft.**

THE PLAY GROUND: IS 22ft.X22ft. , the height of the play ground floor from the finished ground is **4 ft.** The roof height from the finished ground is **9.5ft.****THE HIGHEST** point on the roof of the building from the finished ground at the side of the backyard is: **21.5ft.**

THE DECKING: The height of the deck from the finished ground is: **1ft.**

THE DRIVE WAY: The drive way is at the same level of the garage.

THE HEIGHT OF THE KITCHEN, LIVING ROOM, DINING ROOM AND THE MAIN ENTRANCE FLOOR FROM THE GARAGE FLOOR IS: 8INCHES.

Esma
11/4/13

8-006**General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-303 Standards for all Group 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

8-305

Additional Standards for Home Child Care Facilities

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
 - A. The dimensions, boundary lines and area of the lot or parcel.
 - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
 - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
 - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.